THE HONOURABLE SRI JUSTICE V.ESWARAIAH

W.P. No. 3125 of 2005

Date:28-09-2007

Between:

Yeluri Lakshmi Kantham and another

...

Petitioner

AND

The District Collector, East Godavari and three others

..

Respondents

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ORDER:

The petitioners seeks a writ of mandamus to declare the action of the respondents 2 to 4 in demolishing the houses of the petitioners bearing Nos.13-130 and 13-128/1 respectively situated at Vemagiri village, Kadiyam mandal, East Godavari District, as illegal and arbitrary and consequently direct the respondents not to demolish or interfere with the peaceful possession and enjoyment of the said property except by following due process of law.

A counter has been filed by the 3rd respondent stating that the said houses/tin sheds belongs to the irrigation department and the gram panchayat has nothing to do with the aforesaid house sites and the said gram panchayat has never taken any action. Insofar as the other respondents are concerned, no counter has been filed.

Having regard to the facts of the case, I am of the opinion that the respondents cannot dispossess the petitioners from the land in question without following due process of law.

Accordingly, the writ petition is disposed of directing the respondents not to dispossess the petitioners from the land in question without following due process of law. No costs.

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V.ESWARAIAH, J.

Date:28.09.2007
ccm